

NOVEMBER 2003

FINAL

*SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT
FOR INFRASTRUCTURE WITHIN
U.S. BORDER PATROL NACO-DOUGLAS CORRIDOR
COCHISE COUNTY, ARIZONA*



*U.S. CUSTOMS AND BORDER PROTECTION
DEPARTMENT OF HOMELAND SECURITY
WASHINGTON, D.C.*

**FINDING OF NO SIGNIFICANT IMPACT
FOR INFRASTRUCTURE WITHIN
U.S. BORDER PATROL NACO-DOUGLAS CORRIDOR, TUCSON SECTOR
U.S. CUSTOMS AND BORDER PROTECTION
DEPARTMENT OF HOMELAND SECURITY**

PROJECT HISTORY: Pursuant to the Council of Environmental Quality regulations (40 CFR Parts 1500 – 1508) implementing procedural provisions of the National Environmental Policy Act (NEPA), the Department of Homeland Security's U.S. Customs and Border Protection has prepared a Supplemental Environmental Assessment (SEA) for the infrastructure construction and improvements within the U.S. Border Patrol Naco-Douglas Corridor, Tucson Sector. This environmental analysis supplements the current and future alternatives analyzed in the Final EA for Infrastructure within U.S. Border Patrol Naco-Douglas Corridor, Cochise County, Arizona (INS 2000), herein referred to as the "Corridor EA". The Naco and Douglas Station's area of operations are located within Cochise County, Arizona. Combined they are responsible for regulation of immigration along approximately 56 miles of international border.

The U.S. Border Patrol (USBP) has the responsibility to regulate and control immigration into the U.S. The USBP's primary function remains to prevent and deter the unlawful entry of smugglers, terrorists, and illegal aliens (IA) along the U.S. land borders and between the ports-of-entry. The deployment of operations, infrastructure, and technology strategies along the U.S.-Mexico border are key elements in the USBP's efforts to deter and prevent IAs, smugglers, and terrorists from entering the U.S.

The primary source of authority granted to officers of the USBP is the Immigration and Nationality Act (INA), found in Title 8 of the U.S. Code (USC), and other statutes relating to the immigration and naturalization of aliens. Secondary sources of authority are administrative regulations implementing those statutes, primarily those found in Title 8 of the Code of Federal Regulations (8 CFR Section 287), judicial decisions, and administrative decisions of the Board of Immigration Appeals. In addition, the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 mandates USBP to acquire and/or improve equipment and technology along the border, hire and train new agents for the border region, and develop effective border enforcement strategies.

PURPOSE AND NEED: The purpose of the programs and improvements is to facilitate USBP law enforcement along the identified section of the U.S.-Mexico border as mandated by Federal laws. The need for these programs is to gain, maintain, and extend control of the U.S.-Mexico border. The major goals of the USBP enforcement strategy and the purpose of the proposed infrastructure components in this document are:

- Deter illegal entries
- Enhance the safety of USBP agents
- Reduce the current enforcement footprint
- Create a defensible and enforceable zone that reduces illegal crossings and drug smuggling operations
- Enhance response time for USBP agents

The USBP's primary function is to detect and deter the unlawful entry of illegal aliens (IA) and smuggling along the U.S. land borders. Deterrence can be created only when certainty of apprehension is achieved. The degree of current illegal activity, in addition to the level of enforcement advantage needed to gain, maintain and extend control of the border are the key factors that represent a strong need for the proposed border infrastructure system. In addition to the purpose and need stated above, the proposed border infrastructure system has been planned in compliance with the IIRIRA.

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PROPOSED ACTION: The USBP proposes to implement infrastructure components that are considered essential to gain and maintain immediate control of the border. This includes the construction of various types of infrastructure such as roads, fences, and lights at specified locations throughout the project corridor to develop an effective, safe, and defensible border control system. The infrastructure to be completed within the guidelines of the proposed action include:

- 22.4-miles of primary fence and primary fence maintenance roads,
- 18-miles of secondary fence,
- 8.2-miles of vehicle barriers,
- 44.7-miles of patrol road,
- 7-miles of maintenance roads,
- 12.8-miles of drag roads,
- 60 low water crossings, and
- 13-miles of permanent lighting.

The USBP believes that some areas can be controlled using vehicle barriers rather than fencing. Vehicle barriers will be installed to the maximum extent practicable in lieu of pedestrian fences, based on intelligence data gathered by the USBP.

ALTERNATIVES: Two other alternatives were considered throughout the development of the SEA, but have been eliminated from further consideration as operationally non-effective and/or non-responsive relative to the spirit and intent of IIRIRA.

The No Action Alternative would allow for the planned or current infrastructure projects, which were identified in the 2000 Corridor EA. This SEA would suffice as the subsequent NEPA document required by the 2000 Corridor EA Finding of No Significant Impact (FONSI). The infrastructure to be completed under the No Action Alternative includes:

- 14-miles of primary pedestrian fence,
- 3.25-miles of vehicle barriers,
- 29-miles of road upgrade improvements, and
- 8-miles of permanent lighting.

The Full Build Out Alternative would have required major construction activities and involves the combination of primary and secondary fencing, permanent lighting, and upgrades to various roadways across the 49-mile project corridor. This approach would have implemented:

- 30.6-miles of primary fence,
- 49-miles of secondary fence,
- 43.8-miles of roadway,
- 46.8-miles of maintenance roads,
- 43.6-miles of drag roads,
- 60 new low water crossings, and
- 31-miles of permanent lighting.

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ENVIRONMENTAL DESIGN MEASURES: Environmental design measures will be implemented and supervised by the USBP managers of the infrastructure improvements identified in the proposed action. These measures include:

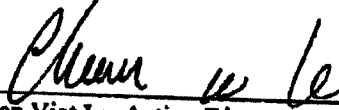
1. Standard construction procedures, including the implementation of a Storm water Pollution Prevention Plan, will be followed to minimize the potential for erosion and sedimentation and to control fugitive dust during construction.
2. The onsite construction manager will closely monitor the proper handling, storage, and/or disposal of hazardous and/or regulated materials.
3. On-site construction activities will be restricted to daylight hours on Monday through Saturday, except in emergency situations.
4. Vegetation within wildlife pathways will be protected to the maximum extent possible including revegetation and reseeded where required.
5. The use of lighting will be restricted along wildlife pathways to an as-needed basis, or restricted to pathways used by light tolerant species. Nearby RVS systems will be incorporated to detect IA traffic, where possible.
6. Reptile and small rodent tunnels will be constructed at the base of pedestrian fencing to allow small ground dwelling animals free access across the border.
7. To the extent practicable, a fence design such as a Sandia style or bollard style that will be semi-transparent will be utilized in riparian areas so that animals are not intimidated or physically prevented from using migration and habitat corridors.
8. Vehicle barriers will be installed in lieu of pedestrian fences wherever possible along the primary fence alignment to maximize large animal crossings. The original 5-strand barbed wire fencing will not be removed thereby protecting wildlife pathways from degradation by grazing cattle.
9. Construction of the low-water crossings will occur during the dry season so that actual aquatic habitat is not directly affected. Construction plans will also include erosion control and energy dissipation measures to prevent long term scouring downstream, and maintain pre-construction stream flow. Additionally, vegetation clearing along the riparian corridors will be limited, allowing for protection of existing aquatic and riparian habitat. In areas where culverts are required, downstream energy dissipaters will be installed per engineering designs in order to reduce downstream erosion.
10. Reduce the overall disturbance of critical habitat by reducing the footprint of the project corridor within critical habitat to the extent practicable.
11. Incorporate a series of wildlife corridors to minimize potential habitat fragmentation in critical habitat.

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12. Avoid long-term effects to the San Pedro River by revising low-water crossing designs for roads to a "Box Culvert with Grates" design.
13. Construction activities will not occur until the National Historic Preservation Act's Section 106 process is completed for the specific area of impact. All construction activities will strictly adhere to mitigation measures and requirements identified in the Memorandum of Agreement related to cultural resources within the project corridor.
14. The reduction of evapotranspiration rates will be reduced within the project corridor through the removal of invasive plant species such as salt cedar and replacement with native plant species that use less water. This measure will mitigate existing ground water deficits and mitigate for the loss of Interior Riparian Forest habitat by improving the quality and function of surrounding habitat.
15. The USBP will continue to incorporate water conservation measures at the Naco and Douglas Station facilities that reduce the consumption of water due to USBP operations. These include replacing high water use fixtures such as faucets, and toilets with on demand faucets and waterless urinals.
16. Consumable water required for construction within the San Pedro Watershed will be transported from sources outside of the San Pedro Watershed, to the maximum extent practicable.
17. Silt fences will be erected along the outside boundaries of the wetland/non-wetland interface to mark their boundaries and minimize the siltation and subsequent degradation of jurisdictional wetlands.
18. All structures will be designed by professional engineers to not adversely increase floodwaters in the floodplain, as a result of impeded flow or added fill.
19. Limited vegetation (maintained grasses) will be allowed on slopes and other "unused" areas such as designated floodplains in order to minimize erosion and limit velocity of surface run-off.
20. Discharges of gray water and other wastes to drainages or other water courses/bodies will be prohibited. Portable latrines will be provided and maintained by licensed contractors and will be used to the extent practicable during construction and operational support activities.
21. The USBP will continue to conduct regular routine maintenance and repairs to all infrastructure components to insure that it remains in working order as designed. Regular maintenance activities will not result in any additional impacts and will remain within the original construction alignments.
22. Construction activities will not occur within the San Pedro Watershed until after Section 7 consultation with the U.S. Fish and Wildlife Service is completed.

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FINDING: Based upon the results of the SEA and the environmental design measures to be incorporated as part of the proposed action, the proposed action will not have a significant adverse effect on the environment and will not require an environmental impact statement.



Chien Viet Le, Acting Director
Headquarters, Facilities and Engineering Division



Date

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FOR INFRASTRUCTURE WITHIN

U.S. BORDER PATROL NACO-DOUGLAS CORRIDOR

COCHISE COUNTY, ARIZONA

November 2003

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EXECUTIVE SUMMARY

BACKGROUND: This environmental analysis supplements the current and future alternatives analyzed in the Final EA for Infrastructure within U.S. Border Patrol Naco-Douglas Corridor, Cochise County, Arizona, herein referred to as the Corridor EA. This Supplemental Environmental Assessment (SEA) addresses the potential for effects, beneficial and adverse, of proposed infrastructure construction and improvements along the U.S.-Mexico border by the Department of Homeland Security and U.S. Border Patrol (USBP).

PURPOSE AND NEED: The purpose of the programs and improvements discussed in this SEA is to facilitate USBP law enforcement along the identified section of the U.S.-Mexico border as mandated by Federal laws. The need for these programs is to gain, maintain, and extend control of the U.S.-Mexico border. The major goals of the USBP enforcement strategy and the purpose of the proposed infrastructure components in this document are:

- Deter illegal entries
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The USBP's primary function is to detect and deter the unlawful entry of illegal aliens (IAS) and smuggling along the U.S. land borders. Deterrence can be created only when certainty of apprehension is achieved. The degree of current illegal activity, in addition to the level of enforcement advantage needed to gain, maintain and extend control of the border are the key factors that represent a strong need for the proposed border infrastructure system. In addition to the purpose and need stated above, the proposed border infrastructure system has been planned in compliance with the *Illegal Immigration Reform and Immigrant Responsibility Act* (IIRIRA) of 1996.

**ALTERNATIVES
ADDRESSED:**

Three alternatives were carried forward in this SEA for detailed analysis of potential impacts to the natural and human environment. They include the No Action, the Preferred Alternative and the Full Build Out Alternative. Other alternatives were considered throughout the development of the SEA, but have been eliminated from further consideration as operationally non-effective and/or non-responsive relative to the spirit and intent of IIRIRA. Those alternatives carried forward are discussed in the following paragraphs.

The No Action Alternative would allow for the planned or current infrastructure projects, which were identified in the 2000 Corridor EA. This SEA would suffice as the subsequent NEPA document required by the 2000 Corridor EA Finding of No Significant Impact (FONSI). The infrastructure to be completed under the No Action Alternative include: 14 miles of primary pedestrian fence, 3.25 miles of vehicle barriers, 29 miles of road upgrade improvements, and 8 miles of permanent lighting.

The Preferred Alternative includes only those infrastructure components that are considered essential to gain and maintain immediate control of the border. This alternative includes various types of infrastructure such as roads, fences, and lights at specified locations throughout the project corridor to develop an effective, safe, and defensible border control system. In addition to the infrastructure projects identified under the No Action Alternative, the infrastructure to be completed within the guidelines of the Preferred Alternative include: 22.4 miles of primary fence and primary fence maintenance roads, 18 miles of secondary fence, 8.2 miles of vehicle barriers, 44.7 miles of road, 7 miles of maintenance roads, 12.8 miles of drag roads, 60 low water crossings, and 13 miles of permanent lighting. The USBP believes that some areas can be controlled using vehicle barriers rather than fencing. Vehicle barriers would be installed to the maximum extent practicable in lieu of pedestrian fences, based on intelligence data gathered by the USBP.

The Full Build Out Alternative would require major construction activities and involves the combination of primary and secondary fencing, permanent lighting, and upgrades to various roadways across the 49-mile project corridor. The infrastructure to be implemented includes: 30.6 miles of primary fence, 49 miles of secondary fence, 43.8 miles of roadway, 46.8 miles of maintenance roads, 43.6 miles of drag roads, 60 new low water crossings, and 31 miles of permanent lighting.

**PROPOSED
ACTION:**

The Preferred Alternative (Proposed Action) involves infrastructure construction activities that consist of primary and secondary pedestrian barrier fencing, vehicle barrier fencing, roads (all weather, maintenance, and drag), lighting, and associated drainage structures within the USBP Naco and Douglas Stations' Areas of Operation (AO).

**ENVIRONMENTAL
IMPACTS OF THE
PREFERRED
ALTERNATIVE:**

The Preferred Alternative would result in direct impacts to 420 acres of vegetation/wildlife habitat, including 19 acres of floodplain, 5 acres of potential jurisdictional wetlands and 12 acres of Waters of the U.S. Approximately 12 National Register of Historic Places (NRHP)-eligible cultural resource sites would be impacted; however, proper mitigation measures would be implemented to ensure mitigation of each impacted site. Approximately 0.2 acres of the spikedace (*Meda fulgida*) and loach minnow (*Tiaroga cobitis*) critical habitat would be impacted as a result of installation of vehicle barriers and low water crossings across the San Pedro River. Withdrawals from the Douglas and Upper San Pedro ground water basins would contribute to the yearly recharge deficit that has been occurring in these basins for some time. Therefore, conservation measures would be incorporated by USBP to minimize the impacts the annual deficit. The largest measure would be that all construction consumable construction water would be transported from sources outside the San Pedro watershed.

Other impacts associated with this alternative are temporary impacts (i.e., regional income, air quality, noise, etc.) associated with the construction process of the border infrastructure system. Existing conditions of these resources would return upon completion of the proposed project. The indirect beneficial impacts associated with this alternative include reduction and possible elimination of trampling of sensitive habitats, reduced soil erosion, reduced fugitive dust due to USBP operations, and a safer environment in the border region.

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